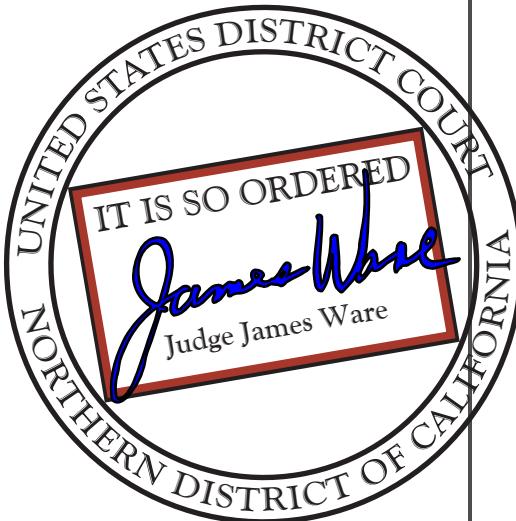


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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 In Re Apple & AT&TM) Case No. C 07-5152 JW
17 Antitrust Litigation.)
18)) STIPULATION AND [PROPOSED]
19)) ORDER RE: EXPERT DISCOVERY
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STIPULATION AND [PROPOSED] ORDER RE: EXPERT DISCOVERY
CASE NO. C- C 07-5152 JW

1 The parties hereby STIPULATE AND AGREE to the following:

2 1. Within 3 business days of any party serving any expert reports and/or expert
3 declarations in this case pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering
4 the expert witness shall produce all other documents and/or information required by Rule
5 26(a)(2)(B), namely “the data or other information considered by the witness in forming the
6 [expert’s] opinions; any exhibits to be used as a summary of or support for the opinions; the
7 qualifications of the witness, including a list of all publications authored by the witness within
8 the preceding ten years; the compensation to be paid for the study and testimony; and a listing of
9 any other cases in which the witness has testified as an expert at trial or by deposition within the
10 preceding four years.” “(D)ata or other information considered” shall include, but is not limited
11 to, raw data, spreadsheets, computerized regression analyses and/or other underlying reports and
12 schedules sufficient to reconstruct the expert's work, calculations, and/or analyses. Information
13 can be produced electronically (via email or disc) where appropriate. Where documents have
14 previously been produced as part of the discovery in this case, a list of such documents by Bates
15 number is sufficient. As to other documents considered by the expert, those documents should
16 be produced except where widely available publicly without undue expense (such as on the
17 internet, or in major university libraries).

18 2. The following types of information shall not be the subject of discovery: (1) the
19 communications and/or content of communications among and between: (a) counsel and experts;
20 (b) experts and other experts or consultants; and/or (c) experts and their respective staffs, and (2)
21 notes, drafts, written communications or other types of preliminary work created by, or for,
22 experts. The foregoing exclusions from discovery will not apply to any specific communications
23 or documents upon which the experts expressly rely as a basis for their final opinions/reports.

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3. This stipulation shall be effective only upon agreement by counsel for all Defendants and Interim Lead Counsel for Plaintiffs in the above captioned action.

DATED: April 8, 2009 CROWELL & MORING LLP
JASON C. MURRAY

/S/ Jason C. Murray

JASON C. MURRAY

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DATED: April 8, 2009

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1 DATED: April 8, 2009
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1 [PROPOSED] ORDER
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3 Based upon the stipulation of the parties, and for good cause shown, the foregoing
4 Stipulation and Order is hereby SO ORDERED:

5 Dated: April 28, 2009

6 Hon. James Ware
7 United States District Judge



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